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3 BILL NO. S-78-05-38

4 SPECIAL ORDINANCE NO. S-

91-78

5 AN ORDINANCE approving the First Addenda
6 to Water Pollution Control Treatment
7 Agreement between the City of Fort Wayne,
8 Indiana and Leo-Cedarville Regional Sewer
District.

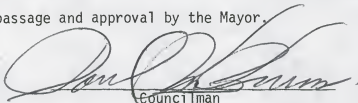
9 NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
10 FORT WAYNE, INDIANA:

11 SECTION 1. That the First Addenda to Water Pollution Control Treat-
12 ment Agreement dated May 10, 1978, between the City of Fort Wayne, by and
13 through its Mayor and the Leo-Cedarville Regional Sewer District;

14 involves the Farmers Home Administration Loan of
15 \$840,000.00 to the Leo-Cedarville Regional Sewer
16 District for partial construction costs of sewer
17 system and the term of the Agreement be changed
from the original twenty year period to a period
of forty years,

18 all as more particularly set forth in said First Addenda which is on file
19 in the Office of the Board of Public Works and is by reference incorporated
20 herein, made a part hereof and is hereby in all things ratified, confirmed
21 and approved.

22 SECTION 2. That this Ordinance shall be in full force and effect
23 from and after its passage and approval by the Mayor.

24 
25 Councilman

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34 APPROVED AS TO FORM
AND LEGALITY,
35 
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by

Thigp, and duly adopted, read the second time by title and referred to the Committee on City Statistics (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 5-23-78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns,

seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	<u>✓</u>	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 6-13-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 8-91-78 on the 13th day of June, 1978

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 1978, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 20th day of June, 1978, at the hour of 8:20 o'clock A. M., E.S.T.

Rabab Elumchong
MAYOR

Bill No. S-78-05-38

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving the First Addenda to Water Pollution Control Treatment
Agreement between the City of Fort Wayne, Indiana and Leo-Cedarville
Regional Sewer District

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

6-13-78
DATE _____ CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

5/10/78

FIRST ADDENDA TO WATER POLLUTION CONTROL
TREATMENT AGREEMENT BETWEEN THE
CITY OF FORT WAYNE, INDIANA and
LEO-CEDARVILLE REGIONAL SEWER DISTRICT

WHEREAS, on October 19, 1977, a Water Pollution Control Agreement was entered into between the City of Fort Wayne, Indiana, (hereinafter called "City") and Leo-Cedarville Regional Sewer District, (hereinafter called "District") providing for receipt and treatment by the City of the wastewater and sewage collected in the District; and

WHEREAS, that by said Agreement it was the intention of the parties that said City would receive said wastewater and sewage collected in the District for the term of twenty (20) consecutive years from the first date of connection or rendering of service and thereafter for an indeterminate number of five (5) year terms after the initial term unless one of the parties should notify the other in writing at least three (3) years prior to the expiration of the original term or any additional five (5) year terms of its desire not to continue the agreement; and

WHEREAS, the Farmers Home Administration, (hereinafter called "FHA") is contributing the sum of \$840,000.00 to the District for partial construction costs of the sewer system and as security for said District's repayment of said funds to the FHA, said District is issuing its revenue bond to the FHA payable over a period of forty (40) years; and

WHEREAS, the FHA has requested that the term of the Water Pollution Control Agreement be changed to provide that the City be bound to treat the wastewater and sewage of the District for a period of forty (40) years from the first date of connection or rendering of service or until such time as all bonds issued by the District to the FHA for the construction of the sewer system have been paid in full.

NOW THEREFORE, the parties agree as follows:

1. That the Water Pollution Control Agreement between the City of Fort Wayne and the Leo-Cedarville Regional Sewer District continue in full force and effect for forty (40) consecutive years from the first date of connection or rendering of service hereunder, or until such time as all bonds issued by the District to the FHA for the construction of said sewer system have been paid in full.

2. That all other terms, agreements and provisions of said agreement of October 17, 1977, remain in full force and effect.

IN WITNESS WHEREOF, the City of Fort Wayne have executed by their proper officials, this first Addenda on the 10 day of May, 1978.

CITY OF FORT WAYNE, INDIANA

By: 

ROBERT E. ARMSTRONG, ITS MAYOR

BOARD OF PUBLIC WORKS

By: Henry P. Wehrenberg
Henry P. Wehrenberg

By: Ethel H. LaMar
Ethel H. LaMar

By: Max G. Scott
Max G. Scott

ATTEST:

Russell Miller

Clerk

LEO-CEDARVILLE REGIONAL SEWER
DISTRICT

By: Vincent Hansen
Vincent Hansen

By: Levon Bender
Levon Bender

By: Richard Knisely
Richard Knisely

By: Richard Sauder
Richard Sauder

By: Robert A. Sharp
Robert Sharp

By: Paul L. Brunner
Paul Brunner

By: Jack Bridges
Jack Bridges

ATTEST:

Levon Bender
Levon Bender,
Secretary-Treasurer

APPROVED AS TO FORM AND LEGALITY

[Signature]
CITY ATTORNEY

4064

SPECIAL ORDINANCE - FIRST ADDENDA TO WATER POLLUTION CONTROL TREATMENT AGREEMENT
BETWEEN THE CITY OF FORT WAYNE, INDIANA AND LEO-CEDARVILLE REGIONAL SEWER DISTRICT
TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

L-78-05-38

SYNOPSIS OF ORDINANCE FIRST ADDENDA TO WATER POLLUTION CONTROL TREATMENT AGREEMENT BETWEEN THE

CITY OF FORT WAYNE, INDIANA AND LEO-CEDARVILLE REGIONAL SEWER DISTRICT: INVOLVES THE FARMERS

HOME ADMINISTRATION LOAN OF \$840,000.00 TO THE LEO-CEDARVILLE REGIONAL SEWER DISTRICT FOR

PARTIAL CONSTRUCTION COSTS OF SEWER SYSTEM AND THE TERM OF THE AGREEMENT BE CHANGED FROM THE

ORIGINAL, TWENTY YEAR PERIOD TO A PERIOD OF FORTY YEARS.

(FIRST ADDENDA AGREEMENT ATTACHED)

(PRIOR APPROVAL REQUESTED FOR MAY 16, 1978)

EFFECT OF PASSAGE DEADLINE DATE FOR LOAN CLOSING APPROVAL BY FHA ATTORNEY IS JUNE 5TH PREPARATORY
TO SENDING PAPERS TO EPA IN WASHINGTON.

EFFECT OF NON-PASSAGE SELF-EXPLANATORY

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE

EP

City of Fort Wayne